

HIGH COURT OF JAMMU AND KASHMIR
(Office of the Registrar General at Jammu)

Subject:- Amendment to the Jammu and Kashmir General Rules (Criminal) framed under Section 554 of Criminal Procedure Code.

NOTIFICATION

No: 1616

Dated: 07/03/2019

In exercise of the powers conferred by Section 554 of Criminal Procedure Code read with all other powers enabling in this behalf, the High Court of Jammu and Kashmir with the previous approval of the Governor hereby makes the following amendment to the "Jammu and Kashmir General Rules (Criminal) of 1988 Svt."

This amendment shall come into force from the date it is published in the Government Gazette.

Chapter XIII is inserted to the Jammu and Kashmir General Rules (Criminal) of 1988 Svt., to read as under:-

CHAPTER XIII

RULES GOVERNING FILING OF CRIMINAL CASES BEFORE SESSIONS JUDGE/JUDICIAL MAGISTRATE BY PERSONS RESIDING IN ANY REMOTE AREA IN THE STATE OF JAMMU & KASHMIR.

I. Applicability of this Chapter:

This chapter is applicable to remote areas. Areas mentioned in the *Schedule "A"* to this chapter are declared as remote areas. The High Court may at any time, add to or delete any area, from the Schedule.

II. Presentation of petitions, appeals, complaints, applications etc.

1. Jurisdictions in remote areas where courts are available:

If a Court of competent jurisdictions is located in a remote area, the Rules governing the subject as set out hereinbefore shall be applicable to presentation of petitions, appeals, complaints and applications etc.

2. Jurisdictions in remote areas where no Court is available.

- i.* A party residing in a remote area, desirous of filing a case before a Judicial Magistrate may file the same before the nearest Approved Centre operated by the Government of India/State Government approved by the High Court or the nearest post office established by the Department of Post, Ministry of Communications, Government of India, in collaboration with the Jammu and Kashmir Legal Services Authority, High Court of Jammu and Kashmir.
- ii.* The expression 'post office' wheresoever appears in these rules shall mean and include 'branch post office' and 'sub-post office' as defined by the Department of Post, Ministry of Communications, Government of India.
- iii.* The case may be filed in the proforma annexed as ***Schedule "B"*** to this chapter or in any other format conveying the facts giving rise to the case, the issues/questions raised and the prayer sought by the party. If the party is relying on documents which are in its possession, then a list of these documents and to the extent possible, copies thereof shall be enclosed. A list of documents which are not in the possession of the party but are relied upon by it shall be enclosed.
- iv.* A Para Legal Volunteer/Panel Lawyer duly appointed by any Legal Service Institution attached to the concerned Approved Centre/ /JKSLSA/District State Legal Services Authority (DSLISA) may assist the party in drafting/filing of the case at the designated Approved Centre.

3. Filing of cases before the Approved Centre/Post Office.

- i.* In case of filing before the Approved Centre, the Incharge of the Approved Centre shall maintain the entire record of filing of the cases before the designated Approved Centre, both in soft form as well as in Registers specially maintained for the purpose.
- ii.* In the event of filing of the case before the post office, the Post Master concerned shall maintain the entire record of filing of the cases both in soft form as well as in registers specially maintained for the purpose.
- iii.* Upon presentation of a case, the Incharge of the Approved Centre/ Post Master concerned shall scan the petition/ appeal/ complaint, application and documents, whereafter he shall transmit the same immediately through e-mail to the Court of competent jurisdiction

where the print out of the same shall be taken and the case shall be registered accordingly.

- iv. The original record of the case shall be retained by the Approved Centre and the same shall be transmitted to the concerned Court, as soon as possible, by any available means of transport.
- v. On the hard copy of the appeal/ petition/ complaint, signature or thumb impressions, as the case may be, shall be affixed on every page by the party in the presence of the Incharge of the Approved Centre/ Postmaster, who shall countersign and date the same on the last page after endorsing the name of the person presenting it and the time of its receipt.
- vi. The appeal/ petition/ complaint, shall then be placed in a sealed cover by the post master, who shall obtain the signatures of the party, and the PLV (if present) on the sealed cover, and shall also countersign and date the same. The endorsement of the postmaster shall be treated as proof of authenticity of the document enclosed.
- vii. Where the appeal/ petition/ complaint is physically transmitted to the court of competent jurisdiction, the postmaster shall levy the charges of a registered letter from the sender. The record of movement of the article from the post office to the court of competent jurisdiction shall be kept, as in the case of any other registered article. This shall, however, be without prejudice to the maintenance of a Register in the prescribed format of appeal/ petition/ complaint received by the post office for onward conveyance to the Court of competent jurisdiction.
- viii. If no scanner is available at the Approved Centre/Post Office, then till such time the same is made available, the filing shall only be accepted in duplicate, duly signed, and one such copy shall be retained by the Approved Centre/Post Office in its records for a period of one year.
- ix. The Postmaster / Incharge of the Approved Centre shall not be held liable for any inadvertent or unintended error committed in the course of discharge of his duties prescribed under these rules.

4. Service charges payable to the Approved Centre/ Post Office.

The litigant shall be liable to pay a sum of Rs. 30 to the Approved Centre/ Post Office as service charges. However, in the case of persons eligible for free legal services in terms of S.12 of J&K Legal Services Authority Act, 1997, the charges shall be paid by concerned District Legal Services Authority.

5. Appointment of lawyers and legal aid.

A person belonging to a remote area may engage any counsel of his/her choice. In case he/she desires so, the Jammu Kashmir State Legal Services Authority (JKSLSA) / concerned District State Legal Services Authority (DSLSA) / Jammu Kashmir High Court Legal Services Committee / Approved Centre shall provide legal service to such person. Authorisation of the person conducting the case shall be appended.

6. Proceedings of litigants from remote areas.

- i.* So far as conduct of proceedings is concerned, wheresoever possible, the proceedings may be facilitated and conducted through the electronic mode using video conferencing facilities between the concerned court and the Approved Centre /post office.
- ii.* The summons/notice and other processes that may be issued by the Court shall be transmitted by the Court to the concerned Approved Centre/Post Office having jurisdiction over the area in which the noticee resides, wherefrom the same shall be delivered either to the process serving agency of the court or to the nearest police post/station for arrangement of service.
- iii.* Summons/notices and other processes issued through registered post by the court shall be sent to the post office having jurisdiction over the area in which the noticee resides. The same shall be delivered by the post office upon the addressee and a report shall be prepared in the same manner as in case of any other registered delivery.
- iv.* The same mode as prescribed for receiving the filing may be adopted for transmitting the service report back to the concerned Court.
- v.* Wherever possible, the proceedings may be conducted through Video Conferencing.
- vi.* A desk to be known as Court Service Centre shall be earmarked in each Court of Judicial Magistrate located in a remote area for the purpose of receiving cases from the Approved Centre/post office.
- vii.* A dedicated e-mail ID shall be created for each Court for the purpose and separate record shall be maintained to track the record of the cases heard thorough Video Conferencing.

III. Presentation of appeals, petitions and applications before a Sessions Court from a remote area where only the court of Judicial Magistrate is located.

In case a party in a remote area is desirous of filing a appeal/ petition/ application in a Sessions Court where no Session Court having jurisdiction is available then, he may file the same in the following manner:

- i.* A party residing in a remote area, who is desirous of filling of case/ appeal/ petition/ application before the Sessions Court may file the same before the Judicial Magistrate located near his/her residence.
- ii.* Upon receipt of the case/ appeal/ revision/ application etc., the Judicial Magistrate shall scrutinize the case and append his report thereon.
- iii.* A separate room to be known as Court Service Centre shall be earmarked in each Court of Judicial Magistrate located in a remote area for the purpose of receiving cases pertaining to the Sessions Court. All the pleadings to be filed by the parties in such cases shall also be received in the said room and a separate register shall be maintained for entering the particulars of these cases.
- iv.* Upon receipt of the cases, the record shall be scanned and the same shall be transmitted to the Sessions Court having jurisdiction to hear such matter, where a print out of the same shall be taken and registered in the concerned register. The original record shall be retained by the Court of Judicial Magistrate where the case has been received and as soon as possible, the physical file shall be transmitted to the Sessions Court by any available mode of transport.
- v.* Wherever possible, the hearing of cases may be conducted through video conferencing by linking the Court of Judicial Magistrate to the concerned Sessions Court.
- vi.* The summons/other processes may be transmitted from the Sessions Court to the Court of Judicial Magistrate, wherefrom the case is received for arrangement of service and the report regarding these summons/processes shall be sent via the same mode.
- vii.* A dedicated e-mail ID may be created for each Sessions Court and the Court of Judicial Magistrate located in a remote area for

the purpose of this facility and record shall be maintained for tracking the record of the cases heard through video conferencing.

IV. Presentation of appeals, petitions, complaints, and applications before a Sessions Court from a remote area where no Court is located :-

In case no Court is located in a remote area, the party desirous of filling of appeal/revision or any other proceedings before the Sessions Court may do so by presenting it before the nearest Approved Centre/post office. The procedure, in this regard, shall be the same as laid down in Sub Rules 2 to 6 of Rule II above.

V. Limitation.

The date of presentation of case before the Approved Centre/post office/ Court of lowest jurisdiction, as the case may be, shall be treated as the date of institution of the case for the purposes of computation of limitation.

VI. Procedure for filing of defence/response/application etc. by accused/ respondents.

The provisions contained hereinbefore in this Chapter shall apply mutatis mutandis to the procedure for filing of defence / responses / application etc. by the accused/respondents/applicants/petitioners residing in the remote areas.

VII. Case Information System.

Case status and all other updation in the cases shall be uploaded by the concerned court hearing the matter on the website as well as in the Case Information Software of the Court. The parties shall be entitled to have access to the said updation from a nearby court or through Approved Centre/Post office as well as through SMS. Information regarding case status, orders and judgments shall be provided to the inhabitants of the remote areas by the Courts or by the Approved Centres/Entities/post offices as the case may be free of cost.

VIII. Superintendence and Control Of Approved Centre and Post Offices.

The functioning of Approved Centres and Post Offices pertaining to filing of cases and maintenance of record in relation thereto shall be

supervised by the Court of Judicial Magistrate, the Sessions Judge concerned or the Secretary, District Legal Services Authority.

However, the administrative control over the Approved Centre and Post Office staff, shall remain with the Approved Centre operated by the Government of India/State Government approved by the High Court and the Department of Posts, Ministry of Communications, Govt. of India, respectively.

IX. Cause List

All the cases pertaining to the remote areas and filed under this chapter shall be distinctively and separately shown in the daily cause-list of the court and the Courts shall dispose of the such matters on a priority basis. Weekly reports pertaining to the progress of these cases shall be submitted by the concerned Judicial Officer to the High Court.

(Sanjay Dhar)
Registrar General

No: 59073-91/18

Dated: 07/03/2019

Copy of the above forwarded to:

1. Principal Secretary to Hon'ble the Chief Justice High Court of J&K.
2. Secretary to Hon'ble Mr/Mrs Justice _____
.....for information of their Lordships.
3. Registrar Vigilance, High Court of J&K, Jammu.
4. Registrar Rules, High Court of J&K, Jammu..
5. Member Secretary, J&K State, Legal Service Authority, Jammu.
6. Registrar Judicial, High Court of J&K, Jammu/Srinagar.
7. All Principal District and Sessions Judges of the State.
.....for information.
8. CPC e-Courts J&K High Court Jammu for information and with the request to upload the Notification on the official website of the High Court.
9. Manager, Government Press, Jammu for publication in the next issue of Government Gazette.

Registrar General

Schedule- 'A'

Tabulated statement pertaining to remote areas of the State of J&K.

S.No	Name of District	Description of inaccessible areas	Nearest Court
(1)	(2)	(3)	(4)
1.	Kishtwar	(i) Marwah & Warwan	Munsiff Kishtwar
		(ii) Padder/Gulabgarh	Munsiff Kishtwar
2.	Reasi	Gulabgarh belt	Munsiff Mahore
3.	Kathua	(i) Barmota, Doulka & Roulka	Munsiff Bani
		(ii) Bhandar, Sandroon & Sandhi	Munsiff Bani
		(iii) Dhaggar, Dhaman & Bhakoga	Munsiff Bani
		(iv) Koti & Banjal	Munsiff Bani
4.	Poonch	(i) Marah	Addl. Spl. Mobile Magistrate, Surankote.
		(ii) Dogrian & Poshana	Addl. Spl. Mobile Magistrate, Surankote.
5.	Ganderbal	Kangan Belt	Munsiff Kangan
6.	Ramban	(i) Shagan (ii) Mahoo (iii) Mangat (iv) Trigam	Munsiff Banihal
		(i) Dhanmasta (ii) Neel Bohardar (iii) Pogal (iv) Bingara	Munsiff Ukhral
7.	Baramulla	(i) Upper Uri Belt	SubJudge Uri
		(ii) Upper Rafiabab Belt (Dangiwacha)	Munsiff Dangiwacha

S.No	Name of District	Description of inaccessible areas	Nearest Court
(1)	(2)	(3)	(4)
8.	Leh	Seryul Nyoma	Spl. Mobile Magistrate, Leh
		Turtak	Munsiff Nobra
		Panamik	Munsiff Nobra
		Lingshed & Skurbuchan	Munsiff Khaltsi
9.	Kargil	Testa, Cha, Itcha, Rarumonay, Shunshaday, Kargiak & Ralakung	Munsiff Zanskar
		Itchoo & Yuljuk	Munsiff Sankoo
10.	Kupwara	Teetwal	Munsiff Tangdhar
		Machil	Munsiff Kupwara
		Keran	Munsiff Kralpora
		Jungund	Munsiff Kupwara
		Badnambal	Munsiff Kralpora.
11.	Bandipora	Gurez and Tulail	Munsiff Gurez
		Aragam, Gujarpati, Chatti Bandi Chanapal, Groori Hajin Challiwan, Budiya.	Munsiff Bandipora
		Attawatu, Pawar, Tanghat, Wavan.	Munsiff Bandipora
		Chhandaji	Munsiff Bandipora

Schedule-"B"

(Template of Complaint)

IN THE COURT OF JUDICIAL MAGISTRATE _____
(give the name of court)

(give name, parentage and residence of the complainant)

Complainant

Versus

(given name, parentage and residence of the accused)

Accused

IN THE MATTER OF:- Complaint u/s _____
(give the nature of the complaint)

MAY IT PLEASE YOUR HONOUR:

The above named complainant states as under:

(specifically state the allegations against the accused)

In the premises, it is prayed that the accused may be proceeded/punished under the relevant provisions of law.

Name of the complainant

List of witnesses:
(give name with parentage and residence of the witnesses)

List of documents.

List of Reliance.

Vakalatnama/Authorisation.

استغاثہ

بعدالت

نام _____ ولدیت _____ سکونت _____ عمر _____
(مستغیث)

ب نام

نام _____ ولدیت _____ سکونت _____ عمر _____
(ملزمان)

معاملہ :- استغاثہ بجرائیم زیر دفعہ روامعات

جناب عالی

واقعات استغاثہ اسطور عرض ہیں کہ

الزامات کی مختصر تفصیل

لہذا مندرجہ بالا واقعات کو مد نظر رکھ کر ملزمان کے ساتھ تحت قانون کارروائی ضابطہ عمل لائی جائے۔
فہرست گواہاں

(۱) نام _____ ولدیت _____ سکونت _____

(۲) نام _____ ولدیت _____ سکونت _____

(۳) نام _____ ولدیت _____ سکونت _____

مستغیث کا دستخط / انگوشہ